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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,740	02/22/2002	Irwin Kotovsky	KOTOV-14	8291

7590

02/03/2003

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EXAMINER

CARIASO, ALAN B

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 02/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/084,740

Applicant(s)

KOTOVSKY, IRWIN

Examiner

Alan Cariaso

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the metal heat plate disposed adjacent the housing top having an opening through which the lamp socket extends (claim 12) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 12-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 2875

4. Claim 12, the phrase "a metal heat plate disposed adjacent the housing top having an opening through which the socket extends" is indefinite as being misdescriptive. The specification does not disclose such an arrangement.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over FINN et al (US 6,106,125) in view of USHER (US 4,751,627).

2. FINN discloses an apparatus and inherent method of providing the apparatus for lighting a room from the room ceiling comprising: a means for lighting including at least one lamp (75-78), the lamp being a low voltage or line voltage lamp (col.5, lines 53-60); and a housing (box 1) holding the lamp (75-78), the housing (1) having an outer surface (panels 4,6,8,10) made of wood, plastic or synthetic (col.6, lines 1-4); wherein the housing (1) includes a metal interior (14,20,22,36,38,40,42,44,46,52,54,56,58; col.3, lines 40-45) and an outer layer (4,6,8,10) positioned about the interior, the outer layer (4,6,8,10) having the outer surface (46,48,50,60) made of the materials above; the housing (1) having a rectangular shape (fig.1); wherein the lighting means includes at least a second lamp (75-78); wherein the lighting means includes a yoke and gimbal ring assembly holding each lamp (fig.2); wherein the housing has corners which at least

Art Unit: 2875

overlap or butted (fig.3); wherein the outer layer (4,6,8,10) is formed of plates or panels (46,48,50,60); wherein the plates are at least regressed or flush (figs.3,4) with respect to the housing circumference; wherein the plates are fixed, interchangeable or removable (col.6, lines 4-6); wherein the housing (1) is at least suspended from the ceiling mounted (fig.1, col.4, lines 50-55); wherein the housing (1) includes a metal plate (metal cross member 14) disposed adjacent the back where there is an opening to transmit heat away (col.4, lines 46-49).

3. However, FINN does not disclose a transformer electrically connected to the lamp and integrally attached or remotely detached adjacent the housing. USHER teaches a transformer (272) electrically connected to at least one low-voltage lamp (40) and integrally attached to the housing (fig.13) for the purpose of operating the lamp(s) and positioning crucial electrical components within the housing for operation of the lamp(s). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the ceiling mounted lighting device of FINN et al to include the type of transformer and attachment to the housing as taught by USHER in order to operate at least one low-voltage lamp within the housing.

### ***Conclusion***

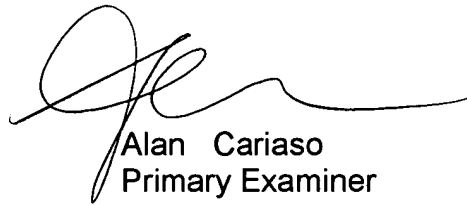
4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. SCHAFER (US 5,117,340) shows a plate frame (13,53) mounted on the ceiling that is made of wood or marble supporting adjustable lamps and connected electrical components (52,17). LIBERMAN (US 3,660,820) shows a housing

made of wood and metal supporting plural line voltage lamps. STEADMAN (US 4,729,074) and KILE (US 5,270,910) show other housings that are of wooden material enclosing a lamp and metallic interior. MILLER et al (US 6,439,749) shows a low-voltage power converter (55-fig.13) adjacent a low-voltage lamp and housing. GREENBERG (US 4,796,166) shows a transformer (28) electrically connected to a low-voltage lamp (24).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan Cariaso whose telephone number is (703) 308-1952. The examiner can normally be reached on M-F (9:00-5:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (703) 305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.



Alan Cariaso  
Primary Examiner  
Art Unit 2875

AC  
January 26, 2003